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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,737	08/04/2003	Timothy R. Lang	904.002	5593

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EXAMINER

GOODWIN, JEANNE M

ART UNIT	PAPER NUMBER
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2841

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/633,737

Applicant(s)

LANG, TIMOTHY R.

Examiner

Jeanne-Marguerite Goodwin

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on original on 8/4/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 11-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 8, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,748,568 to Harrison [hereinafter Harrison '568].

**As per claim 1:** Harrison discloses a timepiece in Figs. 5a-5d illustrating a display face including a first color on the face corresponding to a current predetermined measurement of time and a second color on the face corresponding to a consecutive predetermined measurement of time, wherein the second color fills the face clockwise as an interval of time elapses.

**As per claim 2:** Furthermore, Harrison illustrates the first color being a current hour (Fig. 5a, hour 12), the second color is a consecutive hour and the interval of time corresponds to minutes (Fig. 5a, 7 minutes).

**As per claim 3:** Furthermore, Harrison illustrates a line being created by the intersection of the first color with the second color on the display face, wherein the position of the line along the display face indicates the number of minutes that have passed in the current hour, and wherein the line is not displayed on the face when 60 minutes have elapsed and the face is filled entirely with the second color.

**As per claim 4:** Furthermore, the display face of Harrison appears to be circular in shape.

Art Unit: 2841

**As per claim 8:** Furthermore, the timepiece of Harrison is in fact a watch.

**As per claims 19 and 20:** The method steps will be met during the normal operation of the device stated above.

3. Claims 9, 10, 14, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by CH 683664 to Blagojevic.

**As per claim 9:** Blagojevic discloses a color timepiece comprising a display face including a color time field having a first axis representing a first unit of time (the second element the strip inside the first and crossing approximately the centre, wherein it changes color at the passing of each hour) and a second axis representing a second unit of time (the third element being positioned similarly to the second and is divided into five sections and changes color continuously to display the minutes), wherein a colored section fills the color time field as time elapses and wherein a current color displayed in the colored section is one color in a set of different colors (see Figs. 1-12) that correspond to a predetermined measurement of time.

**As per claim 10:** Furthermore, Blagojevic's predetermined measurement of time is of the different hours in a day.

**As per claim 14:** Furthermore, Blagojevic's timepiece is a watch.

**As per claim 17:** Furthermore, Blagojevic's timepiece further comprising a first set of indicia along the first axis marking intervals of the first unit of time and a second set of indicia along the second axis marking intervals of the second unit of time (see Fig. 1).

**As per claim 18:** Furthermore, Blagojevic's timepiece first axis is substantially different than the length of the second axis

Art Unit: 2841

4. Claims 9, 10, 14 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 4135514 to Kuehnhanss.

**As per claim 9:** Kuehnhanss discloses a time indicator in Fig. 7 having a display face including a color time field having a first axis representing a first unit of and a second axis representing a second unit of time, wherein a colored section fills the color time field as time elapses and wherein a current color displayed in the colored section is one color in a set of different colors that correspond to a predetermined measurement of time.

**As per claim 10:** Furthermore, Kuehnhanss' predetermined measurement of time is of the different hours in a day.

**As per claim 14:** Furthermore, Kuehnhanss' timepiece is a watch.

**As per claim 17:** Furthermore, Kuehnhanss' timepiece further comprising a first set of indicia along the first axis marking intervals of the first unit of time and a second set of indicia along the second axis marking intervals of the second unit of time (see Fig. 7).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison '568 in view of US Pub. 2003/0193842 to Harrison [hereinafter Harrison '842].

Art Unit: 2841

**As per claims 5 and 15:** Harrison discloses a timepiece comprising a color-to-hour matrix in which 24 colors are assigned to 24 hours of the day (see paragraph [0196]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to replace the single hour color assembly of Harrison '568, with the color-to-hour matrix, as taught by Harrison '842, in order to eliminate the need for an a.m./p.m. indicator, as already suggested by Harrison '842.

7. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison '568 in view of US Patent 4,206,592 to Maue.

**As per claims 6 and 16:** Maue discloses a timepiece using 12 distinguishable colors (see column 5, lines 5-7) to represent one hour of a 12-hour period. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to replace the single hour color assembly of Harrison '568, with the 12 distinguishable color hour assembly, as taught Maue, in order to be able to indicate time by color, as already suggested by Maue.

***Allowable Subject Matter***

8. Claims 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter:

The reference to Kuehnhanss shows a timepiece having a display grid having hours, minutes and seconds indicia, wherein the minutes and seconds are on the same axis. Applicant's claimed invention display's the hours by the use a particular color with each hour in a day and enables a person to tell time without the use of any numerical indicia. Furthermore, the timepiece of Kuehnhanss does not have a indicia less color coded hour display and there seems to be no motivation to modify the device shown in Kuehnhanss to accommodate a indicia less color coded hour display for displaying the hour of the day.

The reference to Blagojevic shows a timepiece having a display grid shows a timepiece having a display grid having hours, minutes and seconds indicia, wherein the minutes and seconds are on the different axis. Applicant's claimed invention display's the hours by the use a particular color with each hour in a day and enables a person to tell time without the use of any numerical indicia. Furthermore, the timepiece of Blagojevic does not have a indicia less color coded hour display and there seems to be no motivation to modify the device shown in Blagojevic to accommodate a indicia less color coded hour display for displaying the hour of the day.


### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 disclose related devices. US Patent 6,711,101 to Bornovski discloses a segmented color display and timepiece; US Patent 5,214,624 to Siebrasse display device having a scale; US Patent 4,707,141 and '615, US Patent 5,642,335 to Taylor discloses a color display timepiece; US Patent 5,526,327 to Cordova, Jr. discloses a spatial displacement time display; and US Patent 6,249,486 to Chitturi discloses a linear time display;

Art Unit: 2841

11. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Examiner Jeanne-Marguerite Goodwin whose telephone number is (571) 272-2104. The examiner can normally be reached on Monday-Friday (9am-6pm), alternate Fridays off. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2861.

JMG  
July 20, 2005



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